

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
:
UNITED STATES OF AMERICA : SEALED INDICTMENT
:
- v. - : 20 Cr.
:
VICTOR RIVERA and :
MICHOLS PENA, :
:
Defendants. : **20 CRIM 800**
- - - - - X

COUNT ONE

The Grand Jury charges:

1. From at least in or about June 2020 up to and including November 2020, in the Southern District of New York and elsewhere, VICTOR RIVERA and MICHOLS PENA, the defendants, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), to wit, RIVERA and PENA agreed to commit robberies in which the objects of the robberies were *Richard Mille* watches worth hundreds of thousands of dollars, and the watches were owned by businesses transacting in interstate commerce.

(Title 18, United States Code, Section 1951.)

COUNT TWO

The Grand Jury further charges:

2. On or about June 11, 2020, in the Southern District of New York and elsewhere, VICTOR RIVERA, the defendant, and others known and unknown, knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and aided and abetted the same, to wit, RIVERA and others robbed a victim of a *Richard Mille* watch owned by the victim's business, and in the course of the robbery the victim was shot.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT THREE

The Grand Jury further charges:

3. On or about June 11, 2020, in the Southern District of New York and elsewhere, VICTOR RIVERA, the defendant, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery charged in Count Two of this Indictment,

knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), (iii), and 2.)

COUNT FOUR

The Grand Jury further charges:

4. On or about August 2, 2020, in the Southern District of New York and elsewhere, VICTOR RIVERA, the defendant, and others known and unknown, knowingly did commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and aided and abetted the same, to wit, RIVERA and others robbed a victim at gunpoint of a *Richard Mille* watch owned by the victim's business.

(Title 18, United States Code, Sections 1951 and 2.)

COUNT FIVE

The Grand Jury further charges:

5. On or about August 2, 2020, in the Southern District of New York and elsewhere, VICTOR RIVERA, the defendant, and others known and unknown, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely, the robbery charged in Count Four of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and 2.)

FORFEITURE ALLEGATIONS

6. As a result of committing the offenses alleged in Counts One, Two, and Four of this Indictment, VICTOR RIVERA, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

7. As a result of committing the offense alleged in Count One of this Indictment, MICHOLS PENA, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States

Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)


Lucy Mitchell
FOREPERSON


Audrey Strauss
AUDREY STRAUSS
Acting United States Attorney

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(18 U.S.C. §§ 1951, 924(c), and 2.)

AUDREY STRAUSS
Acting United States Attorney.


Foreperson
